UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,893	11/24/2003	Sivaprasad Padisetty	MSFT125957	5309

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/720,893	PADISETTY ET AL.
	Examiner	**Art Unit**	
	Eric C. Wai	2195	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *31 May 2005*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-21* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *24 November 2003* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some *   c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date *11/26/2004*.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-21 are presented for examination.

Double Patenting

2.   The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees.   A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).
       A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.
       Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3.   Claims 1-21 are provisionally rejected on the ground of nonstatutory

obviousness-type double patenting as being unpatentable over claims 22-38 of

copending Application No. 11/150,951.

4.   Although the conflicting claims are not identical, they are not patentably distinct

from each other. For example, claim 1 of the present application uses language that is

substantially similar to claim 22 of copending Application No. 11/150,951. The only

difference is the replacement of "peer computer" in copending Application No.

11/150,951 with "first computer", and the addition of a "forwarding" step in the present

application. In addition, the language of the dependent claims is identical between

copending Application No. 11/150,951 and the present application.

5.   This is a <u>provisional</u> obviousness-type double patenting rejection because the

conflicting claims have not in fact been patented.

Claim Objections

6.   Claim 17 is objected to because of the following informalities: Claim 17 depends

on the computer system of claim 1. However, claim 1 is a computer-readable medium.

For purposes of examination, claim 17 will be interpreted to depend off claim 15.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 1, 3, 8, 10, 15, and 17 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Matsuoka et al (US Pat No. 5,535,387 hereinafter Matsuoka) in view

of Bereiter (US Pat 6,581,104).

9.   Bereiter was disclosed on IDS dated 11/26/2004.

10.   Regarding claim 1, Matsuoka teaches the computer-readable medium having

computer-executable instructions for performing steps for coordinated execution of

distributed tasks, comprising:

       receiving, by a group of peer computers, a set of execution instructions for the

peer computers, the execution instructions identify a sequence of tasks to be performed

and an assignment of the tasks to the peer computers (col 1 lines 45-47)

       forwarding, to the other peer computers in the group, execution instruction

information derived from the execution instructions such that each peer computer in the

group is informed of tasks assigned thereto in relation to tasks assigned to the other

peer computers (col 1 lines 45-49).

       executing, tasks assigned thereto in connection with execution of tasks assigned

to the other peer computers in the group (col 1 59-64), and

       transmitting, to other peer computers, peep-to-peer communication messages

containing task execution status to synchronize and coordinate the execution of the

sequence of tasks (col 1 line 66 to col 2 line 1).

11.   Matsuoka differs from the claimed invention in that Matsuoka does not teach that

a first computer in the group of peer computers performs the receiving, forwarding,

executing, and transmitting steps. Matsuoka does teach a synchronization mechanism

that performs coordination processing.

12.   Bereiter teaches a well known method for efficient one to many data distribution

which uses a server to manage a number of end point nodes (col 1 lines 21-28).

13.   It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the teachings of Matsuoka to utilize a first computer to perform the

distribution and coordination of tasks. One would be motivated by the need to centralize

the distribution of tasks in a distributed computing an environment.

14.   Regarding claim 3, Matsuoka teaches that the execution instructions include a

job that executes a predefined set of tasks (col 1 lines 26-44, wherein it is inherent that

the processors execute a set of tasks that are predefined).

15.   Regarding claim 8, 10, 15, and 17, they are the method and computer system

claims of claims 1 and 3. Therefore, they are rejected for the same reasons as claims 1

and 3.

16.   Claims 2, 7, 9, 14, 16, and 21 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Matsuoka et al (US Pat No. 5,535,387 hereinafter Matsuoka) and

Bereiter (US Pat 6,581,104) in view of Applicant's Admitted Prior Art (AAPA).

17.   Regarding claim 2, Matsuoka and Bereiter do not teach that the sequence of

tasks to be performed constitutes a test run of interactive computer operations.

18.   AAPA teaches the use of testing to ensure the proper functioning of computer

hardware and software ([0002]).

19.   It would have been obvious to one of ordinary skill in the art at the time of the

invention to include that the sequence of tasks to be performed constitutes a test run of

interactive computer operations. One would be motivated by the desire to ensure that

the computers function properly.

20.   Regarding claim 7, Matsuoka and Bereiter do not teach performing the step of

reporting results of execution of tasks to a database.

21.   However, it would have been obvious to one of ordinary skill in the art at the time

of the invention to include the reporting of results to a database. One would be

motivated by the desire to save the results of a testing process as indicated by AAPA

([0002]).

22.   Regarding claim 9, 14, 16, and 21, they are the method and computer system

claims of claims 2 and 7. Therefore, they are rejected for the same reasons as claims 2

and 7.

23.   Claims 4-6, 11-13, and 18-20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Matsuoka et al (US Pat No. 5,535,387 hereinafter Matsuoka) and

Bereiter (US Pat 6,581,104) in view of Saulpaugh et al. (US Pat No. 6,934,755

hereinafter Saulpaugh).

24.   Regarding claim 4, Matsuoka and Bereiter do not teach that the execution

instructions are provided to the first computer in an input XML document.

25.   Saulpaugh teaches the use of the XML standard to represent objects and code

(col 16 lines 1-7). Saulpaugh also teaches that XML object representations are

language independent so that Java and non-Java applications can send and receive

object from each other (col 16 lines 15-20).

26.   However, it would have been obvious to one of ordinary skill in the art at the time

of the invention to include that the execution instructions are provided to the first

computer in an input XML document. One would be motivated by the desire to use a

communication standard to perform the passing of platform independent messages.

27.   Regarding claims 5-6, Matsuoka, Bereiter, and Saulpaugh do not explicitly teach

that the first computer process the input XML document to derive the execution

instruction information for sending to the other peer computers and formats the

execution instruction information as a second XML document for sending to the other

peer computers.

28.   However, it would have been obvious to one of ordinary skill in the art at the time

of the invention to include deriving the execution instruction information for sending to

the other peer computers in XML format. One would be motivated by the desire to use a

communication standard to perform the passing of platform independent messages.

29.   Regarding claim 11-13, and 18-20, they are the method and computer system

claims of claims 4-6. Therefore, they are rejected for the same reasons as claims 4-6.

Conclusion

30.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Eric C. Wai whose telephone number is 571-270-1012.

The examiner can normally be reached on Mon-Thurs, 9am-5pm.

       If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng - Ai An can be reached on 571-272-3756. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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